

## COASTAL CONSERVANCY

Staff Recommendation

May 27, 2004

### **Boudreau Acquisition**

File No. 04-019

Project Manager: Karen C. Bane

**RECOMMENDED ACTION:** Authorization to disburse up to \$1,500,000 to the San Dieguito River Park Joint Powers Authority for the acquisition of the Boudreau property on the San Dieguito River.

**LOCATION:** San Dieguito River, San Diego County (Exhibit 1)

**PROGRAM CATEGORY:** Resource Enhancement

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### **EXHIBITS**

Exhibit 1: Regional and Project Location Maps

Exhibit 2: San Dieguito River Park

Exhibit 3: Wetland Restoration Plan Map

Exhibit 4: Letters of Support

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### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31000 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million five hundred thousand dollars (\$1,500,000) to the San Dieguito River Park Joint Powers Authority (SDRPJPA) for the acquisition of the Boudreau property (San Diego APN 304-020-16 and 304-020-13) as described in the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of any funds for acquisition, the Executive Officer shall review and approve all title and acquisition documents including but not limited to the appraisal, agreement of purchase and sale, the grant deed and conservation easement, environmental assessments, escrow instructions and documents of title.
  2. The SDRPJPA shall pay no more than fair market value for the interests acquired, as established by an appraisal approved by the Executive Officer.
  3. The property shall be permanently protected for public access, open space and habitat
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conservation in a manner acceptable to the Executive Officer.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Chapter 6 of the Division 21 of the Public Resources Code (Sections 31241-31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.

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### **PROJECT SUMMARY:**

Staff recommends authorization to disburse up to \$1,500,000 to the San Dieguito River Park Joint Powers Authority for acquisition of the 73.4-acre Boudreau property on the San Dieguito River. This floodplain property is located in the coastal zone along a tidally influenced reach of the San Dieguito River and borders the eastern end of the 400-acre San Dieguito Wetland Restoration Project (Exhibit 3). Additionally, the proposed acquisition would provide a critical west-east link between publicly owned river corridor parcels along the 55-mile San Dieguito River Park; thereby preserving a wildlife corridor in the river valley. For these reasons, the Southern California Wetland Recovery Project has designated this acquisition as a Tier 1 project on its 2003-2004 Work Plan.

Development of the parcel would not only impact the coastal wetlands but also eliminate the potential for their expansion and connection with the upper watershed. Although the current owner has entered into an option agreement with a developer for the sale of adjacent property that entails transfer of the parcel's development rights onto the adjacent upland property, the floodplain property could still be used for intensive open space purposes such as soccer fields, golf course or equestrian facilities. In fact, for several years, the property owner has been in negotiations with an organization interested in building soccer fields for which there is a perceived unmet need in the region. Construction of soccer fields or other development of the parcel could impact the adjacent wetlands and would clearly prevent the property's inclusion in an expanded Wetland Restoration Project.

The SDRPJPA will use the proposed grant in combination with matching funds to acquire in fee simple (but without residential development rights) the entire 73.4 acre Boudreau floodplain property in order to preserve it for future San Dieguito River Park restoration and enhancement. The property consists of two parcels: 304-020-16, 69.16 acres; and 304-020-13, 6.20 acres. If the property is acquired, the seasonal salt marsh and native grassland habitats planned for the San Dieguito Wetland Restoration Project could be extended to the Boudreau property.

The owner and manager of the property would be the San Dieguito River Park Joint Powers Authority. The San Dieguito River Park Joint Powers Authority is a local government agency in operation since 1989 with responsibility for acquiring natural open space, restoring habitat and providing recreation and educational interpretation in the San Dieguito River Valley. The JPA currently owns and manages 1,200 acres of natural open space and 22 miles of multi-use trails in the San Dieguito River Valley. The JPA has four full-time rangers with responsibility for open

space management, enforcement of rules and regulations, litter and dumping clean-up, and habitat restoration. Discussions are ongoing now with Southern California Edison regarding the potential for their funding two additional park rangers just for the coastal area. This would provide additional ability to manage and maintain the Boudreau property.

**Site Description:**

The 73.4-acre Boudreau property is located in a tidally influenced portion of the Coastal Zone at the eastern end of the San Dieguito lagoon system at the mouth of the San Dieguito Watershed (Exhibit 1). Bordered on the north by 1,848 linear feet of the San Dieguito River, the property is in the 100-year floodplain. Strategically located between and adjacent to several other local and state owned properties along the San Dieguito River, the floodplain parcel is a critical link for preservation of the lagoon and riverine system. The Boudreau property is not only upstream and adjacent to the 400-acre San Dieguito Wetland Restoration Project but also a critical linkage to riparian habitat to the east. Furthermore, it has been partially designated as Multiple Habitat Plan Area in the City of San Diego Multiple Species Conservation Program. Although the property has been scraped bare of vegetation to grow pole tomatoes for a number of years, it is suitable for expanding the native grassland and seasonal salt marsh habitat areas of the Wetland Restoration Project.

**Project History:**

The Coastal Conservancy has long supported preservation and restoration of the San Dieguito Lagoon and River. In 1979, with participation from the Coastal Conservancy, the City of Del Mar completed the “San Dieguito Lagoon Resource Enhancement Program,” which outlined projects west of I-5 including the 70-acre tidal basin dredged by the California Department of Fish and Game in 1983. In 1989, the City of Del Mar developed the “Conceptual Plan for the Expanded San Dieguito Lagoon Resource Enhancement Program,” which proposed restoring the lagoon system to its historic extent east of I-5 with neighboring uplands.

In 2000, the JPA completed the “Park Master Plan for the Coastal Area of the San Dieguito River Valley Regional Open Space Park” (Master Plan) with partial funding from Coastal Conservancy. The JPA was formed in 1989 by the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach for the purpose of creating a greenway and natural open space park system in the San Dieguito River Valley. In 1994, the JPA adopted a Concept Plan for the 55-mile San Dieguito River Park from the river’s source on Volcan Mountain to the ocean at Del Mar (Exhibit 2).

In 1992, the California Coastal Commission directed Southern California Edison to substantially create 150 acres of wetlands at the San Dieguito Lagoon. This wetland restoration plan was augmented with funds secured in 1990 from the Coastal Conservancy, USFWS and JPA to plan transitional, upland and freshwater habitat. This work culminated in the Master Plan for the restoration of wetlands and associated uplands from El Camino Real to the Pacific Ocean and was approved by the San Dieguito River Park Joint Powers Authority Board of Directors in September 2000. The supporting Environmental Impact Report has been certified.

The proposed acquisition would secure almost the entire coastal area from El Camino Real to the Pacific Ocean in public ownership. Most of the property is leased for agricultural use and planted with pole tomatoes; the JPA would continue this arrangement on an interim basis following

acquisition. In the future, the JPA plans to amend the Master Plan and EIR to incorporate the land that is the subject of the proposed acquisition. The habitat types and restoration methodology already established and approved by participating agencies can be extended onto the Boudreau parcels.

**PROJECT FINANCING:**

Coastal Conservancy (Prop 40)	\$1,500,000
Wildlife Conservation Board (Prop 50)	1,289,000
San Dieguito River Park JPA (Prop 12)	<u>1,464,000</u>
<b>Total Project Cost</b>	<b>\$4,253,000</b>

Conservancy funds for the acquisition would come from the “California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002” (Prop. 40) which is intended for use in acquiring, restoring, and enhancing the state’s wetlands and watersheds. Wildlife Conservation Board (WCB) is contributing some of its funds for coastal wetlands from Proposition 50. The San Diego River Park Joint Powers Authority is contributing a portion of Proposition 12 funds allocated by WCB for acquiring land along the San Dieguito River Park corridor.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

This project would be undertaken pursuant to the Conservancy's enabling legislation, Division 21 of the Public Resources Code; in particular Chapter 6 (Sections 31251-31270).

Consistent with §31251, the Conservancy may award grants to public agencies and nonprofit organizations for the enhancement of coastal resources that have suffered losses of natural and scenic values as a result of human actions. Grants under this chapter may be used for the assembly of parcels of land within coastal resource enhancement areas to improve resource management, for relocation of improperly located or designed improvements and for other corrective measures. They may be used for the acquisition of public park, wildlife or natural areas incidental to a resource enhancement project. As described in Project History above, this acquisition complements a number of resource enhancement projects supported by the Conservancy.

The Boudreau property is located within the coastal zone along a tidally influenced portion of the San Dieguito River. Its acquisition would preclude development of the property for residential or intensive recreational uses that could adversely affect the watershed, and enable the SDRPJPA to expand the San Dieguito Wetland Restoration Project by converting the barren pole-tomato fields into salt marsh and native grassland. The grant of funds to SDRPJPA for acquisition of the Boudreau property is consistent with §31251, which provides that the cost of acquiring lands within coastal resource enhancement areas may be funded through the Conservancy.

According to §31252, areas proposed for resource enhancement should be identified in a certified local coastal plan or program or in other local plans that the Coastal Commission determines to be consistent with the Coastal Act as requiring public action to resolve existing or potential resource protection problems. The Coastal Commission retains jurisdiction over the coastal zone portion of the San Dieguito Lagoon and River and will review project proposals for

consistency with the Coastal Act using the San Dieguito Wetland Restoration Plan and San Diego North City Future Urbanizing Area Framework Plan (Framework Plan) for guidance (personal communication with Ellen Lirely of Coastal Commission, March 2004). The Coastal Commission approved the Environmental Tier of the Framework Plan, which outlines an interconnected system of natural open space (personal communication with Ellen Lirely of Coastal Commission, April 2004). The proposed project is within Subarea II of the Framework Plan and designated for open space preservation as part of the Environmental Tier. Consistent with §31253, the level of Conservancy funding for this project has been determined through consideration of the total amount of funding available for coastal resource projects, the relative urgency of the project, and other factors prescribed by the Conservancy, as detailed below.

Consistent with §31260, the Conservancy may fund the costs of land acquisition as part of an approved coastal resource enhancement project.

#### **CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 4, Objective A**, the proposed acquisition would connect existing public lands thereby extending a significant coastal resource, the San Dieguito Lagoon and River.

Consistent with **Goal 5, Objective A**, the proposed acquisition would preserve the opportunity to restore coastal wetland, riparian, and native grassland habitats.

Consistent with **Goal 5, Objective B**, the proposed acquisition would preserve the opportunity to link coastal and inland habitat areas. Development of the Boudreau property, whether for residences or active recreation, would fragment the riparian habitat along the San Dieguito River as it transitions from brackish to freshwater vegetation further inland.

Consistent with **Goal 6, Objective A**, the proposed acquisition is one of a few remaining significant properties identified by the JPA to create a continuous river parkway. Furthermore, it is the last significant parcel within the City of San Diego's coastal zone that is not in public ownership.

#### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

##### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.

3. **Support of the public:** The Southern California Wetlands Recovery Project considers the proposed acquisition one of the top priorities on the 2003-2004 Work Plan. Support letters are provided in Exhibit 4.
4. **Location:** The proposed project would be located within the coastal zone of the City of San Diego.
5. **Need:** The SDRPJA needs Conservancy support to complete the funding package and close escrow by July 2004.
6. **Greater-than-local interest:** From a regional perspective, the property's strategic location along the San Dieguito River makes it a critical parcel to accomplish the regional habitat preservation efforts of the 55-mile long San Dieguito River Park. The lagoon serves as a nursery for many oceanic fish. It lies in the path of the Pacific Flyway making it an important forage site for migrating birds. The Southern California Wetlands Recovery Project's Regional Goals report recognizes the lagoons of San Diego County as providing opportunities to preserve and restore wildlife corridors.

#### **Additional Criteria**

7. **Urgency:** Although residential development of the floodplain property is unlikely, zoning would allow intensive open space purposes such as soccer fields, a golf course or equestrian facilities. In fact, the owner has actively negotiated with a consortium of soccer groups over the last few years. Other development of the parcel would eliminate the potential for preserving a continuous river corridor and prevent the property's inclusion in an expanded Wetland Restoration Project.
9. **Leverage:** See the "Project Financing" section above.
12. **Readiness:** The SDRPJA has secured the remainder of the funding package, a Phase I assessment has been completed, and escrow would close in July 2004.
13. **Realization of prior Conservancy goals:** Since 1979, the Conservancy has provided funds and technical assistance to develop the vision and plan for lagoon and coastal wetland restoration for the San Dieguito River. The proposed acquisition will preserve the opportunity to restore the entire coastal zone of the San Dieguito River. Additionally, the proposed acquisition would advance the Southern California Wetlands Recovery Project's regional goals by preserving floodplain property along a tidally influenced reach of the San Dieguito river.

#### **CONSISTENCY WITH COASTAL ACT:**

The coastal zone portion of the San Dieguito Lagoon and River is one of the few remaining areas of deferred certification within the City of San Diego, which means that the Coastal Commission retains permit jurisdiction. The proposed project would be consistent with the following specific policies of the Coastal Act: Public Resources Code Section 30231 states that the "biological productivity and the quality of coastal waters, streams, wetlands, estuaries and lakes appropriate to maintain optimum populations of marine organisms . . . shall be maintained and, where feasible, restored. . . ." Section 30240 states that "environmentally sensitive habitat areas shall be

protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.”

The 73.4-acre Boudreau property is located in the floodplain of a tidally influenced reach of the San Dieguito River and is located east of and immediately adjacent to the 400-acre San Dieguito Wetland Restoration Project. If the property is acquired, the plans for wetland habitat and upland habitat that were developed for the San Dieguito Lagoon Wetland Restoration Project can be extended to the Boudreau property.

**COMPLIANCE WITH CEQA:**

Acquisition of this property is categorically exempt from review of environmental impacts under the California Environmental Quality Act (CEQA) because it involves the acceptance of fee interest in order to maintain the open space character of the area (14 Cal. Code of Regulations Section 15317) and the transfer of ownership in interest in land for the purpose of preserving open space to allow continued agricultural use and future restoration of natural conditions (§15325). Staff will file a Notice of Exemption upon approval of the project.